

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

May 12, 2015

MEMORANDUM TO PLAINTIFF'S COUNSEL

Re: *United States, ex rel., Srivastava v. Trident USA Health Services, et al.*
Civil Action No. ELH-13-2195

Dear Counsel:

As you know, on July 29, 2013, plaintiff-relator Ravi Srivastava filed a qui tam action in the name of the United States and the State of Maryland against defendants Trident USA Health Services and Mark Parrish, pursuant to the False Claims Act, 31 U.S.C. §§ 3729 *et seq.* and the Maryland False Claims Act, Md. Code (2009 Repl. Vol.), § 2-602 of the Health General Article (ECF 1, "Complaint"). In the Complaint, plaintiff alleges, *inter alia*, that defendants submitted to the federal government false and fraudulent claims for services provided to Medicare Recipient Facilities and skilled nursing facilities. ECF 1 ¶ 1.

On November 21, 2014, the United States notified the Court of its decision not to intervene in this action. ECF 12. By Order dated November 21, 2014 (ECF 13), the Court directed that the Complaint be unsealed and served upon the defendants by plaintiff-relator. Thereafter, on January 22, 2015, the State of Maryland notified the Court of its decision not to intervene in this action. ECF 14. By Order dated February 3, 2015 (ECF 16), the Court dismissed without prejudice all claims asserted by plaintiff-relator on behalf of the State of Maryland.

As of today's date, plaintiff has failed to provide proof of service of the Complaint upon any defendants. The time to do so has expired. *See* Fed. R. Civ. P. 4(1).

Local Rule 103.8(a) provides that "the Court may enter an order asking the party to show cause why the claim should not be dismissed" if a plaintiff "has not effected service of process within 120 days" The same Local Rule states that "the claim shall be dismissed without prejudice" if the plaintiff "fails to show cause" within a "time set by the Court." Local Rule 103.8(a). Accordingly, within seventeen (17) days from the date of docketing of this Order, plaintiff is directed to show cause why his remaining claims as to the unserved defendants should not be dismissed under Fed. R. Civ. P. 4(m) and Local Rule 103.8.

Despite the informal nature of this Memorandum, it is an Order of the Court and the Clerk is directed to docket it as such.

Very truly yours,

/s/

Ellen Lipton Hollander
United States District Judge

cc: Allen F. Loucks, Esquire
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